

Delaney
Schworer
Lundby

SSB-3062
State Government

Succeeded By
SENATE/HOUSE FILE 9/ HF 2390
BY (PROPOSED DEPARTMENT OF
INSPECTIONS AND APPEALS BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the duties of divisions within the department
2 of inspections and appeals and codifying the establishment and
3 duties of the existing health facilities division.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 10A.104, subsection 8, Code Supplement
2 1999, is amended to read as follows:

3 8. Establish by rule standards and procedures for
4 certifying that targeted small businesses are eligible to
5 participate in the procurement ~~set-aside~~ program established
6 in sections 73.15 through 73.21. The procedure for
7 determination of eligibility shall not include self-
8 certification by a business. Rules and guidelines adopted
9 pursuant to this subsection are subject to review and approval
10 by the director of the department of management. The director
11 shall maintain a current directory of targeted small
12 businesses which have been certified pursuant to this
13 subsection.

14 Sec. 2. Section 10A.106, Code Supplement 1999, is amended
15 to read as follows:

16 10A.106 DIVISIONS OF THE DEPARTMENT.

17 The department is comprised of the following divisions:

- 18 1. Administrative hearings division.
- 19 2. Audits division.
- 20 3. Investigations division.
- 21 4. Inspections division.
- 22 5. Health facilities division.

23 The allocation of departmental duties to the divisions of
24 the department in sections 10A.302, 10A.402, and 10A.502,
25 10A.702, and 10A.801 does not prohibit the director from
26 reallocating departmental duties within the department. The
27 director shall not reallocate any of the duties of the
28 division of administrative hearings, created by section
29 10A.801, to any other unit of the department.

30 Sec. 3. Section 10A.402, subsections 2, 3, 4, and 6, Code
31 1999, are amended by striking the subsections.

32 Sec. 4. Section 10A.502, Code 1999, is amended to read as
33 follows:

34 10A.502 RESPONSIBILITIES.

35 The administrator shall coordinate the division's conduct

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1 of various inspections as otherwise provided for by law
2 including but not limited to the following:

3 1. Inspections of-land-situated-outside-of-the-state-which
4 is-proposed-for-sale-within-the-state and licensing procedures
5 related to social and charitable gambling pursuant to chapter
6 99B.

7 2. Inspections of food establishments, including
8 restaurants, hotels, food and beverage vending machines, state
9 educational, charitable, correctional, and penal institutions,
10 and sanitation inspections in any locality of the state upon
11 the written petition of five or more residents of a particular
12 locality.

13 3.--Inspections-and-other-licensing-procedures-relative-to
14 the-hospice-program,-hospitals,-and-health-care-facilities-
15 The-division-shall-be-the-sole-designated-licensing-authority
16 for-these-programs-and-facilities-

17 4.--Inspections-relative-to-hospital-and-health-care
18 facility-construction-projects-and-licensing-boards
19 established-within-the-department-of-public-health,-except-the
20 board-of-medical-examiners,-the-board-of-pharmacy-examiners,
21 the-board-of-dental-examiners,-and-the-board-of-nursing-

22 5.--Inspections-of-child-foster-care-facilities-and-private
23 institutions-for-the-care-of-dependent,-neglected,-and
24 delinquent-children-

25 Article VII

26 HEALTH FACILITIES DIVISION

27 Sec. 5. NEW SECTION. 10A.701 DEFINITIONS.

28 As used in this article, unless the context otherwise
29 requires:

30 1. "Administrator" means the chief administrator who shall
31 coordinate the administration of this division.

32 2. "Division" means the health facilities division of the
33 department of inspections and appeals.

34 Sec. 6. NEW SECTION. 10A.702 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct

1 of various inspections and investigations as otherwise
2 provided by law, including but not limited to, all of the
3 following:

4 1. Investigations relative to the standards and practices
5 of hospitals, hospices, birth centers, and health care
6 facilities.

7 2. Inspections and other licensing procedures relative to
8 the hospice program, hospitals, birth centers, and health care
9 facilities. The division is designated as the sole licensing
10 authority for these programs and facilities.

11 3. Inspections relative to hospital and health care
12 facility construction projects.

13 4. Inspections of child foster care facilities and private
14 institutions for the care of dependent, neglected, and
15 delinquent children.

16 EXPLANATION

17 This bill makes changes in the Code relative to the duties
18 of divisions within the department of inspections and appeals.

19 The amendment to Code section 10A.104 corrects a reference
20 to the targeted small business procurement goal program.

21 The amendment to Code section 10A.106 establishes the
22 health facilities division within the department of
23 inspections and appeals. The division currently exists under
24 the authority of the director of the department, but is not
25 codified. The bill establishes the duties of the division in
26 new Code section 10A.702, some of which are currently codified
27 as duties of the investigations and inspections divisions of
28 the department (eliminated as duties of these divisions in
29 this bill), but which are carried out by the health facilities
30 division including: investigations relative to standards and
31 practices of hospitals, hospices, birth centers, and health
32 care facilities; inspections and other licensing procedures
33 relative to the hospice program, hospitals, birth centers, and
34 health care facilities; inspections relative to hospital and
35 health care facility construction projects; and inspections of

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1 child foster care facilities and private institutions for the
2 care of dependent, neglected, and delinquent children.

3 The amendment to Code section 10A.402 deletes
4 responsibilities that are not currently performed by the
5 investigations division, some of which are later codified in
6 the bill as duties of the health facilities division. The
7 duties eliminated include investigations relative to the
8 proposed sale within the state of subdivided land situated
9 outside of the state; investigations relative to applications
10 for beer and liquor permits; investigations pertaining to
11 standards and practices of hospitals, hospices, and health
12 care facilities; and investigations relative to the operations
13 of the department of elder affairs.

14 The amendment to Code section 10A.502 eliminates
15 responsibilities listed under the inspections division that
16 are not currently performed by that division, some of which
17 are later codified in the bill as duties of the health
18 facilities division. The bill eliminates as duties of the
19 inspections division, inspections of land situated outside of
20 Iowa which is proposed for sale within the state; inspections
21 and licensing procedures relative to hospices, hospitals, and
22 health care facilities; inspections relative to hospital and
23 health care facility construction projects and licensing
24 boards established within the Iowa department of public
25 health, with some exceptions; and inspections of child foster
26 care facilities and private institutions for the care of
27 dependent, neglected, and delinquent children.

28 The bill adds as a duty of the inspections division the
29 current practice of inspections of and licensing procedures
30 related to social and charitable gambling pursuant to Code
31 chapter 99B.

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THOMAS J. VILSACK
GOVERNOR

SALLY J. PEDERSON
LT. GOVERNOR

DEPARTMENT OF INSPECTIONS AND APPEALS
KEVIN W. TECHAU, DIRECTOR

January 10, 2000

TO: Members of the General Assembly

FR: Kevin W. Techau, Director 

The Iowa Department of Inspections and Appeals (DIA) proposes legislation related to the various responsibilities of several divisions within the DIA. The proposed legislation makes changes to sections of Chapter 10A which directly relate to the responsibilities of the Audits, Inspections and Investigations Divisions by striking obsolete or unnecessary references. In addition, the proposal creates a new article in Chapter 10A which specifies the responsibilities of the Department's Health Facilities Division.

When the Department was created during state government reorganization in 1986, the Health Facilities Division was originally referenced in responsibilities assigned to the Inspections and Investigations Divisions. Then-director Charles Sweeney used his authority under Chapter 10A to create the Health Facilities Division as a separate entity within the Department. However, the Iowa Code has not been update to reflect the creation of the Health Facilities Division.

This proposal simply makes changes in Iowa Code Chapter 10A to reflect the current organization structure of the Department. It has no fiscal impact on the Department or any other entity in state government.

For additional information regarding this proposal, or further questions, please contact Jennifer Komos, Legislative Liaison, at 281-6407 or e-mail at jkomos@dia.state.ia.us.

Substituted for HF 2386
4-3-00 (P. 1171)

~~2386~~

FILED FEB 28 '00

SENATE FILE 2390
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 3062)

Passed Senate, Date ^(P. 599) 3/9/00 Passed House, Date ^(P. 1172) 4-3-00
Vote: Ayes 49 Nays 0 Vote: Ayes 97 Nays 0
Approved May 3, 2000

A BILL FOR

1 An Act relating to the duties of divisions within the department
2 of inspections and appeals and codifying the establishment and
3 duties of the existing health facilities division.

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SF 2390

1 Section 1. Section 10A.104, subsection 8, Code Supplement
2 1999, is amended to read as follows:

3 8. Establish by rule standards and procedures for
4 certifying that targeted small businesses are eligible to
5 participate in the procurement ~~set-aside~~ program established
6 in sections 73.15 through 73.21. The procedure for
7 determination of eligibility shall not include self-
8 certification by a business. Rules and guidelines adopted
9 pursuant to this subsection are subject to review and approval
10 by the director of the department of management. The director
11 shall maintain a current directory of targeted small
12 businesses which have been certified pursuant to this
13 subsection.

14 Sec. 2. Section 10A.106, Code Supplement 1999, is amended
15 to read as follows:

16 10A.106 DIVISIONS OF THE DEPARTMENT.

17 The department is comprised of the following divisions:

- 18 1. Administrative hearings division.
- 19 2. Audits division.
- 20 3. Investigations division.
- 21 4. Inspections division.
- 22 5. Health facilities division.

23 The allocation of departmental duties to the divisions of
24 the department in sections 10A.302, 10A.402, and 10A.502,
25 10A.702, and 10A.801 does not prohibit the director from
26 reallocating departmental duties within the department. The
27 director shall not reallocate any of the duties of the
28 division of administrative hearings, created by section
29 10A.801, to any other unit of the department.

30 Sec. 3. Section 10A.402, subsection 4, Code 1999, is
31 amended by striking the subsection.

32 Sec. 4. Section 10A.502, Code 1999, is amended to read as
33 follows:

34 10A.502 RESPONSIBILITIES.

35 The administrator shall coordinate the division's conduct

1 of various inspections as otherwise provided for by law
2 including but not limited to the following:

3 1. ~~Inspections of land situated outside of the state which~~
4 ~~is proposed for sale within the state~~ and licensing procedures
5 related to social and charitable gambling pursuant to chapter
6 99B.

7 2. Inspections of food establishments, including
8 restaurants, hotels, food and beverage vending machines, state
9 educational, charitable, correctional, and penal institutions,
10 and sanitation inspections in any locality of the state upon
11 the written petition of five or more residents of a particular
12 locality.

13 ~~3. Inspections and other licensing procedures relative to~~
14 ~~the hospice program, hospitals, and health care facilities.~~
15 ~~The division shall be the sole designated licensing authority~~
16 ~~for these programs and facilities.~~

17 ~~4. Inspections relative to hospital and health care~~
18 ~~facility construction projects and licensing boards~~
19 ~~established within the department of public health, except the~~
20 ~~board of medical examiners, the board of pharmacy examiners,~~
21 ~~the board of dental examiners, and the board of nursing.~~

22 ~~5. Inspections of child foster care facilities and private~~
23 ~~institutions for the care of dependent, neglected, and~~
24 ~~delinquent children.~~

25 Article VII

26 HEALTH FACILITIES DIVISION

27 Sec. 5. NEW SECTION. 10A.701 DEFINITIONS.

28 As used in this article, unless the context otherwise
29 requires:

30 1. "Administrator" means the chief administrator who shall
31 coordinate the administration of this division.

32 2. "Division" means the health facilities division of the
33 department of inspections and appeals.

34 Sec. 6. NEW SECTION. 10A.702 RESPONSIBILITIES.

35 The administrator shall coordinate the division's conduct

1 of various inspections and investigations as otherwise
2 provided by law, including but not limited to, all of the
3 following:

4 1. Investigations relative to the standards and practices
5 of hospitals, hospices, birth centers, and health care
6 facilities.

7 2. Inspections and other licensing procedures relative to
8 the hospice program, hospitals, birth centers, and health care
9 facilities. The division is designated as the sole licensing
10 authority for these programs and facilities.

11 3. Inspections relative to hospital and health care
12 facility construction projects.

13 4. Inspections of child foster care facilities and private
14 institutions for the care of dependent, neglected, and
15 delinquent children.

16 EXPLANATION

17 This bill makes changes in the Code relative to the duties
18 of divisions within the department of inspections and appeals.

19 The amendment to Code section 10A.104 corrects a reference
20 to the targeted small business procurement goal program.

21 The amendment to Code section 10A.106 establishes the
22 health facilities division within the department of
23 inspections and appeals. The division currently exists under
24 the authority of the director of the department, but is not
25 codified. The bill establishes the duties of the division in
26 new Code section 10A.702, some of which are currently codified
27 as duties of the investigations and inspections divisions of
28 the department (eliminated as duties of these divisions in
29 this bill), but which are carried out by the health facilities
30 division including: investigations relative to standards and
31 practices of hospitals, hospices, birth centers, and health
32 care facilities; inspections and other licensing procedures
33 relative to the hospice program, hospitals, birth centers, and
34 health care facilities; inspections relative to hospital and
35 health care facility construction projects; and inspections of

1 child foster care facilities and private institutions for the
2 care of dependent, neglected, and delinquent children.

3 The amendment to Code section 10A.402 deletes the
4 responsibility assigned the investigations division of
5 performing investigations pertaining to standards and
6 practices of hospitals, hospices, and health care facilities
7 which is instead assigned to the health facilities division
8 under the bill.

9 The amendment to Code section 10A.502 eliminates
10 responsibilities listed under the inspections division that
11 are not currently performed by that division, some of which
12 are later codified in the bill as duties of the health
13 facilities division. The bill eliminates as duties of the
14 inspections division, inspections of land situated outside of
15 Iowa which is proposed for sale within the state; inspections
16 and licensing procedures relative to hospices, hospitals, and
17 health care facilities; inspections relative to hospital and
18 health care facility construction projects and licensing
19 boards established within the Iowa department of public
20 health, with some exceptions; and inspections of child foster
21 care facilities and private institutions for the care of
22 dependent, neglected, and delinquent children.

23 The bill adds as a duty of the inspections division the
24 current practice of inspections of and licensing procedures
25 related to social and charitable gambling pursuant to Code
26 chapter 99B.

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SENATE FILE 2390

S-5058

1 Amend Senate File 2390 as follows:

2 1. Page 3, by inserting after line 15 the
3 following:

4 "Sec. ____ . Section 147.80, subsection 16, Code
5 1999, is amended to read as follows:

6 16. License to practice barbering on the basis of
7 an examination given by the board of barber examiners,
8 license to practice barbering under a reciprocal
9 agreement, renewal of a license to practice barbering,
10 ~~annual-inspection-by-the-department-of-inspections-and~~
11 ~~appeals-of-barber-school-and-annual-inspection-of~~
12 ~~barber-shop,~~ an original barber school license,
13 renewal of a barber school license, transfer of
14 license upon change of ownership of a barber shop or
15 barber school, ~~inspection-by-the-department-of~~
16 ~~inspections-and-appeals-and~~ an original barber shop
17 license, renewal of a barber shop license, original
18 barber school instructor's license, renewal of a
19 barber school instructor's license, original barber
20 assistant's license, renewal of a barber assistant's
21 license."

22 2. By renumbering as necessary.

By PATRICK J. DELUHERY
SHELDON RITTMER

w/d 3/9/00 (p. 599)

S-5058 FILED MARCH 2, 2000

SENATE FILE 2390

AN ACT

RELATING TO THE DUTIES OF DIVISIONS WITHIN THE DEPARTMENT
OF INSPECTIONS AND APPEALS AND CODIFYING THE ESTABLISHMENT
AND DUTIES OF THE EXISTING HEALTH FACILITIES DIVISION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 10A.104, subsection 8, Code Supplement 1999, is amended to read as follows:

8. Establish by rule standards and procedures for certifying that targeted small businesses are eligible to participate in the procurement ~~set-aside~~ program established in sections 73.15 through 73.21. The procedure for determination of eligibility shall not include self-certification by a business. Rules and guidelines adopted pursuant to this subsection are subject to review and approval by the director of the department of management. The director shall maintain a current directory of targeted small businesses which have been certified pursuant to this subsection.

Sec. 2. Section 10A.106, Code Supplement 1999, is amended to read as follows:

10A.106 DIVISIONS OF THE DEPARTMENT.

The department is comprised of the following divisions:

1. Administrative hearings division.
2. Audits division.
3. Investigations division.
4. Inspections division.
5. Health facilities division.

The allocation of departmental duties to the divisions of the department in sections 10A.302, 10A.402, and 10A.502, 10A.702, and 10A.801 does not prohibit the director from reallocating departmental duties within the department. The director shall not reallocate any of the duties of the division of administrative hearings, created by section 10A.801, to any other unit of the department.

Sec. 3. Section 10A.402, subsection 4, Code 1999, is amended by striking the subsection.

Sec. 4. Section 10A.502, Code 1999, is amended to read as follows:

10A.502 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various inspections as otherwise provided for by law including but not limited to the following:

1. ~~Inspections of land-situated-outside-of-the-state-which is-proposed-for-sale-within-the-state~~ and licensing procedures related to social and charitable gambling pursuant to chapter 99B.
2. Inspections of food establishments, including restaurants, hotels, food and beverage vending machines, state educational, charitable, correctional, and penal institutions, and sanitation inspections in any locality of the state upon the written petition of five or more residents of a particular locality.

~~3. -- inspections and other licensing procedures relative to the hospice program, hospitals, and health care facilities. The division shall be the sole designated licensing authority for these programs and facilities.~~

~~4. -- inspections relative to hospital and health care facility construction projects and licensing boards established within the department of public health, except the board of medical examiners, the board of pharmacy examiners, the board of dental examiners, and the board of nursing.~~

~~5. -- inspections of child foster care facilities and private institutions for the care of dependent, neglected, and delinquent children.~~

Article VII

HEALTH FACILITIES DIVISION

Sec. 5. NEW SECTION. 10A.701 DEFINITIONS.

As used in this article, unless the context otherwise requires:

1. "Administrator" means the chief administrator who shall coordinate the administration of this division.

2. "Division" means the health facilities division of the department of inspections and appeals.

Sec. 6. NEW SECTION. 10A.702 RESPONSIBILITIES.

The administrator shall coordinate the division's conduct of various inspections and investigations as otherwise provided by law, including but not limited to, all of the following:

1. Investigations relative to the standards and practices of hospitals, hospices, birth centers, and health care facilities.

2. Inspections and other licensing procedures relative to the hospice program, hospitals, birth centers, and health care facilities. The division is designated as the sole licensing authority for these programs and facilities.

3. Inspections relative to hospital and health care facility construction projects.

4. Inspections of child foster care facilities and private institutions for the care of dependent, neglected, and delinquent children.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2390, Seventy-eighth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved May 3, 2000

THOMAS J. VILSACK
Governor